

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

KERRY A. POLK,	:	
	:	
Petitioner	:	
	:	
VS.	:	
	:	
UNITED STATES OF AMERICA,	:	NO. 5:98-CR-66 (HL)
	:	
Respondent	:	<b><u>ORDER</u></b>

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Before the Court is petitioner **KERRY A. POLK’S** “Notice of Appeal or in the Alternative Request for a Certificate of Appealability (COA).” Petitioner seeks to appeal the judgment of this Court denying his application for habeas relief under 28 U.S.C. § 2255. Under section 2253(c)(2), a COA may issue only if the applicant makes “a substantial showing of the denial of a constitutional right.” This requires a petitioner to demonstrate that “reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” *See also Slack v. McDaniel*, 529 U.S. 473, 478 (2000).

For the reasons stated in Magistrate Judge’s recommendation and this Court’s order accepting the same, the Court finds reasonable jurists could not find that a dismissal of petitioner’s claims was debatable or wrong. Accordingly, it is hereby **ORDERED** that petitioner’s application for a COA be **DENIED**.

**SO ORDERED**, this 13th day of May, 2009.

s/ **Hugh Lawson**  
HUGH LAWSON  
UNITED STATES DISTRICT JUDGE